

**SUPREME COURT MINUTES
WEDNESDAY, JUNE 15, 2011
SAN FRANCISCO, CALIFORNIA**

S191944 B217668 Second Appellate District, Div. 3 **LOS ANGELES, COUNTY OF
v. LOS ANGELES COUNTY
EMPLOYEE RELATIONS
COMMISSION (SERVICE
EMPLOYEES
INTERNATIONAL UNION,
LOCAL 721)**

Petition for review granted

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegar, and Corrigan, JJ.

S191948 **JOHN DOE v. HARRIS
(KAMALA D.)**

Request for certification granted

The request, pursuant to California Rules of Court, rule 8.548, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit, is granted. Pursuant to rule 8.548(f)(5) of the California Rules of Court, this court restates the question as follows: “Under California law of contract interpretation as applicable to the interpretation of plea agreements, does the law in effect at the time of a plea agreement bind the parties or can the terms of a plea agreement be affected by changes in the law?”

For purposes of briefing and oral argument, defendant/appellant Attorney General Kamala Harris is deemed petitioner to this court.

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegar, Chin, and Corrigan, JJ.

S192176 B214397 Second Appellate District, Div. 4 **PEOPLE v. LEIVA (JOSE)**

Petition for review granted

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegar, Chin, and Corrigan, JJ.

S192644 A124392 First Appellate District, Div. 4 **PEOPLE v. BELTRAN (TARE
NICHOLAS)**

Petition for review granted

The petition for review is granted.

The parties will address whether the court misinstructed on heat of passion and provocation, whether the prosecutor misstated the law in argument, whether the court accurately responded to a

jury inquiry on the subject, and if error, whether there was prejudice.

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

S192751 B222399 Second Appellate District, Div. 1 **PEOPLE v. YARBROUGH
(JAMMAL HANEEF)**

Petition for review granted

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

S192048 A124895 First Appellate District, Div. 1 **PEOPLE v. SMITH (JAMES
DWAYNE)**

Petition for review granted; briefing deferred

The petition for review is granted.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Dungo*, S176886, *People v. Gutierrez*, S176620, *People v. Lopez*, S177046, and *People v. Rutterschmidt*, S176213 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

S192459 C065011 Third Appellate District **PEOPLE v. RANKIN
(GEORGE DAVID)**

Petition for review granted; briefing deferred

The petition for review is granted.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Sanchez*, S188453 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

S192529 E048982 Fourth Appellate District, Div. 2 **PEOPLE v. MOORE (STEVEN
BURNICE)**

Petition for review granted; briefing deferred

The petition for review is granted.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Aranda*, S188204 (see Cal. Rules of Court, rule 8.512(d)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

S192854

B221964 Second Appellate District, Div. 4

**PEOPLE v. PRADO (JOSE
JOHNNY)**

Petition for review granted; briefing deferred

The petition for review is granted.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Sanchez*, S188453 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

S116554**AVILA (JOHNNY) ON H.C.**

Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus filed on June 9, 2003, is denied.

All claims are denied on their merits.

Claim X (to the extent petitioner alleges the evidence is insufficient to support the judgment) is also denied because it is not cognizable in this proceeding. (*In re Lindley* (1947) 29 Cal.2d 709, 723.)

The following claims and/or subclaims are also procedurally barred because they were raised and rejected on appeal (*In re Waltreus* (1965) 62 Cal.2d 218, 225): Claim VII (to the extent petitioner alleges the trial court erred by: denying him an adequate opportunity to voir dire potential jurors; excluding evidence regarding the circumstances surrounding the Tate stabbing, the related killings of Armando and Mario Vellez, Rojas's stabbing of Jovito Rodriguez, and Rojas's reputation as a "shot caller" for a Mexican prison gang; precluding the defense from playing a tape of Rojas's first interview with law enforcement; excluding evidence from Spring J. that Rodriguez was in the trailer while she was being raped; and excluding evidence that Juarez told jail staff he was hearing voices telling him to kill, was injured when he was seven years old, and could not control his anger, and evidence that Juarez had made inconsistent statements regarding drug use); Claim VIII (to the extent petitioner contends the trial court erred by excluding evidence concerning whether any of the defendants were in the trailer while Spring J. was being raped); Claim IX (to the extent petitioner alleges the trial court erred by failing to instruct the jury that Rojas and Rodriguez were accomplices as a matter of law, and the evidence corroborating the accomplice testimony was legally insufficient); Claim X (to the extent petitioner alleges the evidence is insufficient to support the judgment).

The following claims and/or subclaims are also procedurally barred because they could have been, but were not, raised on appeal (*In re Dixon* (1953) 41 Cal.2d 756, 759): Claim IV (except to the extent petitioner alleges the prosecutor engaged in misconduct by making inappropriate comments quoted in a January 25, 1995, article in the Fresno Bee); Claim V (except to the extent petitioner alleges the prosecutor engaged in misconduct by arguing that Rojas was a "pretty decent kid," and by arguing the circumstance that petitioner referred to Sanchez as "Irene" in interviews indicated either petitioner "doesn't know [Sanchez] that well or he's distancing himself from her"); Claim VI (to the extent petitioner alleges trial court error in the denial of his recusal motion, and to the extent he alleges a violation of *Griffin v. California* (1965) 380 U.S. 609); Claim VII (to the

extent petitioner alleges the trial court erred by: not wanting to be “concerned with the prosecutor’s failure to produce discovery”; denying the defendants’ request for one dark day per week; basing its decision on shackling on the number of bailiffs assigned to the court; excluding Ruben Arrechiga’s testimony regarding Rojas’s involvement in a stabbing and Ballesteros’s testimony that he feared Rojas; excluding evidence that the pathologist who examined Sanchez’s body had failed to notice a tattoo; precluding petitioner from impeaching Rojas line by line with his statement to law enforcement; sustaining the prosecutor’s objection to defense counsel’s cross-examination of Rojas regarding how Rojas learned what the term “take care of . . . business” meant; refusing to accommodate defense counsel’s request to change the order of cross-examination of Richard because counsel was not feeling well; and requiring a “doctor’s report” if counsel needed to stay home).

S144019**SMITH (ROBERT) ON H.C.**

Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus, filed on June 6, 2006, is denied.

With the exception of Claims IV and V, which are moot, each claim is denied on the merits.

Except to the extent they allege ineffective assistance of counsel, Claims I and II are procedurally barred under *In re Seaton* (2004) 34 Cal.4th 193, 201, footnote 4, because they could have been, but were not, raised at trial. Justice Werdegarr would not apply the *Seaton* bar to these claims.

Except to the extent they allege ineffective assistance of counsel, Claims VI, subclaims (E) and (F), VII, and IX, subclaims (B) and (C) are procedurally barred under *In re Dixon* (1953) 41 Cal.2d 756, 759, because they could have been, but were not, raised on appeal.

Claim VIII, subclaim (A) is procedurally barred as repetitive under *In re Waltreus* (1965) 62 Cal.2d 218, 224, because it was raised and rejected on appeal.

S191693 G040821 Fourth Appellate District, Div. 3
Petition for review denied

PEOPLE v. JACOBS (DEAN)

S191845 C062259 Third Appellate District
Petition for review denied

PEOPLE v. HILL (CERON)

S191849 E047299 Fourth Appellate District, Div. 2

**PEOPLE v. LANTEIGNE
(CHRISTOPHER RICHARD)**

Petition for review denied

Petitioner’s request to file the unredacted petition for review under seal is granted. (Cal. Rules of Court, rules 2.550(d), 8.46(e).) In ordering the sealing, this court makes the findings required by California Rules of Court, rule 2.550(d) and 8.46(e). The clerk of this court is directed to file the unredacted petition for review under seal.

The petition for review is denied.

S191856 B218969 Second Appellate District, Div. 3

Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

**PEOPLE v. CONEJO
(ISRAEL)**

S191877 H033465 Sixth Appellate District

Petition for review denied

**PEOPLE v. TOWNE (DENNIS
EDWARD)**

S192107 A126089 First Appellate District, Div. 2

Petition for review denied

**PEOPLE v. HILL (DAVID
GENE)**

S192110 B223974 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. GARNETT
(VALARIA)**

S192134 G042637 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. SPENCER
(ROBERT MARSHALL)**

S192141 B231514 Second Appellate District, Div. 2

The petition for review is denied without prejudice to the filing of a new petition for writ of habeas corpus in the Los Angeles County Superior Court addressing any claims raised by the April 6, 2011, report of the Porterville Developmental Center.

**GONZALEZ (DAVID) ON
H.C.**

S192149 D055704 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. RODRIGUEZ
(ARTURO SERGIO)**

S192153 F058635 Fifth Appellate District

Petition for review denied

**PEOPLE v. GONZALES
(CARLOS RICKY)**

S192165 A124077/A125311/A124095

First Appellate District, Div. 5

Petitions for review denied

Baxter and Werdegarr, JJ., were recused and did not participate.

**IN RE CELLPHONE
TERMINATION FEE CASES****S192166** H033759 Sixth Appellate District

Petition for review denied

**PEOPLE v. SCOTT (LANCE
O.)****S192196** D059328 Fourth Appellate District, Div. 1

Petition for review denied

**PHILLIP (JAMES EARL) ON
H.C.****S192203** G044791 Fourth Appellate District, Div. 3

Petition for review denied

**BRYAN (KELLY M.) v. S.C.
(PEOPLE)****S192263** G043037 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. MENESES
(JASINTO DURAN)****S192313** E049420 Fourth Appellate District, Div. 2

Petition for review denied

**HAGAN (DELCO) v. CITY OF
LAKE ELSINORE****S192349** B214489 Second Appellate District, Div. 7

Petition for review denied

**MIRACLE STAR WOMEN'S
RECOVERING
COMMUNITY, INC. v. JETT
(KATHERINE)****S192362** A128494 First Appellate District, Div. 4

Petition for review denied

**PEOPLE v. GUTIERREZ
(VINCENT T.)**

S192402 G039753 Fourth Appellate District, Div. 3
Petition for review denied

PEOPLE v. NUNEZ (ERIK)

S192406 C057427 Third Appellate District
Petition for review denied

**PEOPLE v. RAY (JAMES
MARTIN)**

S192410 B214476 Second Appellate District, Div. 8
Petition for review denied

**PEOPLE v. FERNANDEZ
(LIONIL)**

S192445 B223064 Second Appellate District, Div. 2
Petitions for review denied

**PEOPLE v. AMEZCUA (JOSE
D.)**

S192526 F062039 Fifth Appellate District
Petition for review denied

McCRAY (KEITH) ON H.C.

S192596 G042988 Fourth Appellate District, Div. 3
Petition for review denied

**SHANAHAN (JOHN M.) v.
STATE FARM GENERAL
INSURANCE COMPANY**

S192645 A131572 First Appellate District, Div. 4
Petition for review denied

NAPIER (RODNEY) ON H.C.

S192671 B217062 Second Appellate District, Div. 3
Petition for review denied

**PEOPLE v. BOWEN (ERROL
ALEXANDER)**

S192685 B229051 Second Appellate District, Div. 3
Petition for review denied

**BOWEN (ERROL
ALEXANDER) ON H.C.**

S192742 B223099 Second Appellate District, Div. 1

Petition for review denied

Corrigan, J., was recused and did not participate.

**WHITE (EDWARD L.) v.
MANZKE (SANDRA)**

S192802 B226421 Second Appellate District, Div. 4
Petition for review denied

IN RE OLIVIA J.

S192810 B229981 Second Appellate District, Div. 3

Petition for review denied

The request for judicial notice is denied.

**OLD CFI, INC. v. CASE
FINANCIAL, INC.**

S192833 D056136 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. SIMMONS
(MICHAEL CRAIG)**

S192838 B232389 Second Appellate District, Div. 1

Petition for review & application for stay denied

**CHRISTIENSEN (KAREN A.)
v. S.C. (PEOPLE)**

S192839 B228012 Second Appellate District, Div. 3

Petition for review denied

**TORRANCE, CITY OF v.
WORKERS'
COMPENSATION APPEALS
BOARD (CARRERAS)**

S192840 F062154 Fifth Appellate District

Petition for review denied

**REYNOLDS (ERIK) v. S.C.
(HARTLEY)**

S192860 E050993 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. BRADFORD
(TRACY ANTIWAINE)**

S192886 E050043 Fourth Appellate District, Div. 2

Petition for review denied

PEOPLE v. YOUNG (TURK LAMAR)

S192897 A128467 First Appellate District, Div. 5

Petition for review denied

DO (TUAN ANH) v. DANG (PHUONG DUC)

S192903 A124916 First Appellate District, Div. 5

Petition for review denied

PEOPLE v. MENDEZ-GONZALEZ (JOSE M.)

S192904 F060207 Fifth Appellate District

Petition for review denied

PEOPLE v. HERRICK (SHERRI)

S192932 A127142/A129038 First Appellate District, Div. 1

Petition for review denied

KHODADAD (FAZEL), ESTATE OF

S192933 A126218/A128663 First Appellate District, Div. 3

Petition for review denied

PEOPLE v. MYERS (AARON KALIP)

S192937 A124966 First Appellate District, Div. 3

Petition for review denied

SCHALLER (LOREN BIANCA) v. STATE OF CALIFORNIA

S192944

Petition for writ of mandate/prohibition denied

THOMAS (KEITH) v. SUPREME COURT OF CALIFORNIA (PEOPLE)

S192945 D057361 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. WIMSATT
(KEITH LAMAR)**

S192948 B225646 Second Appellate District, Div. 6

Petition for review denied

**MONTY (MARIANNE) v.
LEIS (GEORGE S.)**

S192950 B232255 Second Appellate District, Div. 1

Petition for review denied

**CUNNINGHAM (KATHLEEN)
v. S.C. (MAGIDOW)**

S192951 A128121 First Appellate District, Div. 4

Petition for review & depublication request(s) denied

**WOLLMER (STEPHEN) v.
CITY OF BERKELEY (R.B.
TECH CENTER LP)**

S192952 G042352 Fourth Appellate District, Div. 3

Petition for review denied

**LA ROCCA (GERARD) v.
HANSON (RHONDA)**

S192954 B232460 Second Appellate District, Div. 7
Petition for review denied

VARGAS (JULIAN) ON H.C.

S192960 B224779 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. SNELSON (JASON
LUV)**

S192961 B223359 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. SHELTON
(GREGORY)**

S192966 B221603 Second Appellate District, Div. 4

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Brown*, S181963.

PEOPLE v. SHELTON (JOHN)

S192969 H036558 Sixth Appellate District

Petition for review denied

**PAGE-SMITH (ARTHUR) ON
H.C.**

S192971 A125388 First Appellate District, Div. 1

Petition for review denied

**PEOPLE v. LARIOS
(GERARDO RAMIREZ)**

S192986 B226772 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. SOLIS (YONI
ROLANDO)**

S192988 B225742 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. SALGADO (JOSE
APOLINAR)**

S193001 B220820 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. JOHNSON
(WILLIE MERVYN)**

S193008 B219851 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. MENA
(ENRIQUE)**

S193011 C064841 Third Appellate District

Petition for review denied

**PEOPLE v. DERE (LARRY
LEE)**

S193041 D056243 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. VILLALOBOS
(MIGUEL ANGEL)**

S193053 E050006 Fourth Appellate District, Div. 2

Petition for review denied

**COLEN (JOHN V.) v.
MAXWELL-JOLLY (DAVID)**

S193073 B231254 Second Appellate District, Div. 6

**CATHOLIC HEALTHCARE
WEST v. WORKERS'
COMPENSATION APPEALS
BOARD & CASTRILLO
(CHERYL)**

Petition for review denied

S193077 B230506 Second Appellate District, Div. 5

**POWELL (GREGORY ULAS)
ON H.C.**

Petition for review denied

S193088 B232667 Second Appellate District, Div. 6

VON STAICH (IVAN) ON H.C.

Petition for review denied

S193091 F057076 Fifth Appellate District

**PEOPLE v. PORTER
(HOWARD DOUGLAS)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Dungo*, S176886, *People v. Gutierrez*, S176620, *People v. Lopez*, S177046, and/or *People v. Rutterschmidt*, S176213.

S193115 B230479 Second Appellate District, Div. 5

**MIRELES (OSVALDO) ON
H.C.**

Petition for review denied

S193504

**WHEELER (REGINALD) v.
COURT OF APPEAL,
SECOND APPELLATE
DISTRICT, DIVISION THREE
(PEOPLE)**

Petition for writ of mandate/prohibition denied

S185929

HOOD (LYLE) ON H.C.

Petition for writ of habeas corpus denied

S186916**JOINTER (MICHAEL A.) ON
H.C.**

Petition for writ of habeas corpus denied

S187117**BURT (TREMAINE M.) ON
H.C.**

Petition for writ of habeas corpus denied

S187261**RAYA (ADAN MADERO) ON
H.C.**

Petition for writ of habeas corpus denied

S187330**SMITH (ROBERT G.) ON H.C.**

Petition for writ of habeas corpus denied

S187517**PETERSON (JEREMY) ON
H.C.**

Petition for writ of habeas corpus denied

S187543**RAYA (ADAN MADERO) ON
H.C.**The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769.)**S187740****CRUZ (JOSEPH ALFRED) ON
H.C.**

Petition for writ of habeas corpus denied

S187785**MARQUEZ (JOSE L.) ON H.C.**

Petition for writ of habeas corpus denied

S188187**MUHAMMAD (KWESI) ON
H.C.**The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S188448

Petition for writ of habeas corpus denied

BROOKS (PHARAOH E.) ON H.C.**S188481**

Petition for writ of habeas corpus denied

ROBINSON (DE'ANDRE E.) ON H.C.**S188484**

Petition for writ of habeas corpus denied

PEELER (BRICE ANTHONY) ON H.C.**S188485**

Petition for writ of habeas corpus denied

CRAWLEY (GILBERT) ON H.C.**S188501**

Petition for writ of habeas corpus denied

SHANK (RICHARD) ON H.C.**S188507**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

THOMAS (CLIFFORD BRENT) ON H.C.**S188603**

Petition for writ of habeas corpus denied

CREMEANS (DEBORAH) ON H.C.**S188807**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 797-798.)

TATUM (DARRELL) ON H.C.**S188945**

Petition for writ of habeas corpus denied

LAU (HON) ON H.C.

S189070**DAVIS (JASON RAYTHELL)
ON H.C.**

Petition for writ of habeas corpus denied

S189071**STANTON (JAVAN) ON H.C.**

Petition for writ of habeas corpus denied

S189098**LANGI (REMUS SAM) ON
H.C.**

Petition for writ of habeas corpus denied

S189106**LAU (HON) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S189108**JONES (PHILLIP) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S189113**ALMIEIRO (ADAM) ON H.C.**

Petition for writ of habeas corpus denied

S189118**GRANT III (JESSE) ON H.C.**

Petition for writ of habeas corpus denied

S189123**JUAREZ (LUDWIG) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S189127**MERINO (MARIO ALBERT)
ON H.C.**

Petition for writ of habeas corpus denied

S189148**THOMAS (MICHAEL) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S189150**BAISA (RONALD) ON H.C.**

Petition for writ of habeas corpus denied

S189156**WHITEHEAD (WALTER) ON
H.C.**

Petition for writ of habeas corpus denied

S189166**ARMSTRONG (LAVELLE
EUGENE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S189170**WALKER (RAYMOND) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S189173**RAKIN (VLADIMIR V.) ON
H.C.**

Petition for writ of habeas corpus denied

S189207**FOWLER (VINCENT) ON
H.C.**

Petition for writ of habeas corpus denied

S189217**JORDAN, JR., (JOHN R.) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S189233**VARGAS (GUSTAVO
SARABIA) ON H.C.**

Petition for writ of habeas corpus denied

S189238**HARVEY (DERRICK) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S189289**MUNNS (RICHARD B.) ON
H.C.**

Petition for writ of habeas corpus denied

S189298**YORK (JESSE) ON H.C.**

Petition for writ of habeas corpus denied

S189302**DUNCAN (LLOYD) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Waltreus* (1965) 62 Cal.2d 218, 225.)

S189309**POWELL (GEORGE TEAL)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Lindley* (1947) 29 Cal.2d 709, 723.)

S189319**ELEBY (AL LARRY) ON H.C.**

Petition for writ of habeas corpus denied

S189322**GARRETT (JIMMY LLOYD)
ON H.C.**

Petition for writ of habeas corpus denied

S189325**CARROLL (CASEY O.) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S189367**CHASTANG (LOTICAL
KIRK) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S189369**NIEVES (DANIEL) ON H.C.**

Petition for writ of habeas corpus denied

S189480**MORRIS (ANTONIO) ON H.C.**

Petition for writ of habeas corpus denied

S189482**POLK (SUSAN MAE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S189485**DULANEY (ROZELL
EDWARD) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

S189501**DILLIHUNT (DARRELL
OZELL) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dixon* (1953) 41 Cal.2d 756, 759.)

S189505**LAU (HON) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S189507**FLORES (ISAAC) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 797-798.)

S189515**THOMAS (JEFFREY) ON
H.C.**

Petition for writ of habeas corpus denied

S189517**BROWN (PHILLIP L.) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S189518**WALCOTT (DARRYL
ALLEN) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S189519**JOHNSON (AARON) ON H.C.**

Petition for writ of habeas corpus denied

S189525**PALEOLOGUS (VICTOR) ON
H.C.**

Petition for writ of habeas corpus denied

S189532**DVORAK (JOSEPH) ON H.C.**

Petition for writ of habeas corpus denied

S189552**HAMMONS (WESLEY V.) ON
H.C.**

Petition for writ of habeas corpus denied

S189560**SHERMAN (JOSEPH H.) ON
H.C.**

Petition for writ of habeas corpus denied

S189569**ARANA (PEDRO) ON H.C.**

Petition for writ of habeas corpus denied

S189572**CARRION (JONATHAN) ON H.C.**

Petition for writ of habeas corpus denied

S189575**HARIRI (ARASH) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S189576**FURNACE (EDWARD TERRAN) ON H.C.**

Petition for writ of habeas corpus denied

S189580**WORMLEY (TYRIN J.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S189586**DURSMAN (JOSEPH LANE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S189587**BROWN (RYAN F.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S189603**BROWN (JOSEPH S.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S189606**RANDELL (BRIAN KEITH) ON H.C.**

Petition for writ of habeas corpus denied

S189608**HANSEN (NORMAN
RONNIE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S189611**HILL (ROBERT L.) ON H.C.**

Petition for writ of habeas corpus denied

S189626**JACKSON (DARWIN) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S189630**PHELPS (KEVIN L.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S189631**HOFFSTOT (ROBERT) ON
H.C.**

Petition for writ of habeas corpus denied

S189650**PURIFOY (CARL) ON H.C.**

Petition for writ of habeas corpus denied

S189692**McKENZIE (ALEXANDER)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S189693**HOUSTON (KELVIN
LaMONT) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S189694

Petition for writ of habeas corpus denied

SHEDD (HERBERT) ON H.C.**S189695**

Petition for writ of habeas corpus denied

HOYOS (DAVID GUY) ON H.C.**S189705**

Petition for writ of habeas corpus denied

HILL (DARNELL) ON H.C.**S189722**

Petition for writ of habeas corpus denied

HERNANDEZ (JESSE) ON H.C.**S189760**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

ADAMS (PHILLIP) ON H.C.**S189820**

Petition for writ of habeas corpus denied

McANLIS (KENNETH PHILIP) ON H.C.**S191916**

The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

SCOTT (MARK) ON H.C.**S191936**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734, 735.)

LEWIS (AMOS KEYRONE) ON H.C.**S192576**

Petition for writ of habeas corpus denied

MORGAN (HAROLD PASHION) ON H.C.

S192758**CAPONE (GIOVANNA) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Miller* (1941) 17 Cal.2d 734, 735.)

S192832**LUA (HUGO) ON H.C.**

Petition for writ of habeas corpus denied

S192867**SANCHEZ, JR., (FERNANDO)
ON H.C.**

Petition for writ of habeas corpus denied

S192901**NAZARAI (ZULMAI) ON H.C.**

Petition for writ of habeas corpus denied

S191938 D057768 Fourth Appellate District, Div. 1
Publication request denied (case closed)

IN RE EMILY R.

S192170 E049404 Fourth Appellate District, Div. 2

**A.J. v. VICTOR
ELEMENTARY SCHOOL
DISTRICT**

Publication request denied (case closed)

S192291 H034759 Sixth Appellate District

**YOUNG (EARTHY EVONIA)
ON H.C.**

Publication request denied (case closed)

S192461 B220443 Second Appellate District, Div. 2

**SIERRA MEDICAL
SERVICES ALLIANCE v.
DOUGLAS (TOBY)**

Publication request denied (case closed)

S058019**PEOPLE v. CONTRERAS
(GEORGE LOPEZ)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Denise Anton's

representation that she anticipates filing the appellant's reply brief by August 8, 2011, counsel's request for an extension of time in which to file that brief is granted to August 8, 2011. After that date, no further extension will be granted.

S096809**PEOPLE v. POYNTON
(RICHARD JAMES)**

Extension of time granted

Good cause appearing, and based upon counsel Carla J. Johnson's representation that she anticipates filing the appellant's opening brief by October 15, 2011, counsel's request for an extension of time in which to file that brief is granted to August 15, 2011. After that date, only one further extension totaling about 60 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S113421**PEOPLE v. HARDY
(WARREN JUSTIN)**

Extension of time granted

Good cause appearing, and based upon counsel Susan K. Shaler's representation that she anticipates filing the appellant's opening brief by June 2013, counsel's request for an extension of time in which to file that brief is granted to August 31, 2011. After that date, only 11 further extensions totaling about 660 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S118775**PEOPLE v. WILSON
(JAVANCE MICKEY)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to August 15, 2011.

S132449**PEOPLE v. PETERSON
(SCOTT LEE)**

Extension of time granted

Appellant's request for relief from default is granted.

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to August 1, 2011.

S136171**PEOPLE v. WESSON
(MARCUS DELON)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to August 9, 2011.

S140795**PEOPLE v. ESPINOZA
(JOHNNY)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to September 1, 2011.

S141274**PEOPLE v. ABBOTT (JOE
HENRY)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to August 12, 2011.

S180912**ADCOX (KEITH EDWARD)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Wendy Peoples's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by August 2011, counsel's request for an extension of time in which to file that document is granted to August 15, 2011. After that date, no further extension is contemplated.

S026700**PEOPLE v. BROWN
(ANDREW LAMONT)**

Motion for access to sealed record granted

Petitioner's "Application for Release of Files, Records and Any Confidential Materials," filed on May 18, 2011, is granted in part and denied in part as follows.

The Federal Public Defender is granted access to the records in this court relating to *People v. Andrew Lamont Brown* (S042323), *In re Andrew Lamont Brown* (S136785), and *In re Andrew Lamont Brown* (S125670). The Federal Public Defender is granted access to all sealed or confidential materials in *People v. Andrew Lamont Brown* (S042323) except for pages 4465 to 4473 of volume 31 of the Sealed Reporter's Transcript (captioned "2-5-92"). (Cal. Rules of Court, rule 8.328(c)(6).)

The Federal Public Defender must supply the personnel and equipment necessary to undertake the review and copying of these records, which must occur on the court's premises.

It is ordered that the Federal Public Defender not release or cause to be released any of the confidential or sealed materials, or the information contained therein. If counsel wishes to disclose the contents of sealed materials in any pleading, those pleadings must be filed under seal, for which permission must be sought under California Rules of Court, rule 8.46.

Trial court exhibits are not lodged at this court, but in the superior court, and access therefore should be sought in the superior court.

In light of this order, petitioner's "Application for Expedited Consideration of Application for Release of Files, Records and Any Confidential Materials," filed on May 26, 2011, is denied as moot.

S189476

**PERRY (KRISTIN M.)/CITY
& COUNTY OF SAN
FRANCISCO v. BROWN, JR.,
(EDMUND G.)/
(HOLLINGSWORTH)**

Order filed

The application of amicus curiae Margie Reilly for permission to file a response to City of San Francisco's letter filed April 18, 2011, is hereby granted.

S193655

**ERVIN (ASAN) v. S.C.
(PEOPLE)**

Transferred to Court of Appeal, Second Appellate District

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, Division Six, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S192801

**ACCUSATION OF
RANDOLPH**

Petition denied (accusation)

S192835

**ACCUSATION OF
WILLIAMS**

Petition denied (accusation)

S192983

ACCUSATION OF KARP

Petition denied (accusation)

S192994

Petition denied

(accusation)

ACCUSATION OF VELARDE**S193074**

Petition denied

(accusation)

**ACCUSATION OF
ARGUELLO****S190894****BARIC ON DISCIPLINE**

Petition for writ of review denied; recommended discipline imposed

The petition for a writ of review is denied.

The court orders that DRAGO CHARLES BARIC, State Bar Number 105383, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. DRAGO CHARLES BARIC is suspended from the practice of law for the first year of probation;
2. DRAGO CHARLES BARIC must comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its Opinion filed on January 4, 2011; and
3. At the expiration of the period of probation, if DRAGO CHARLES BARIC has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

DRAGO CHARLES BARIC must also take and pass the Multistate Professional Responsibility Examination within one year and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

DRAGO CHARLES BARIC must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

